

November 4, 1959 (OPINION)

WATERS

RE: Water Conservation Commission - Powers of - Cancellation of
Balance on District's Warrant - Merger of Districts

We are in receipt of your letter under date of October 26, 1959, in which you say that in October of 1944 the Yellowstone Pumping Irrigation District issued its warrant to the State Water Conservation Commission to evidence a loan in the sum of thirty-five hundred dollars to enable the district to construct certain irrigation facilities. You say that the irrigation district made assessments to pay the Commission the amount of the loan and that to date two thousand nine hundred twenty dollars and eighty-three cents has been collected.

You request our opinion as to whether or not the State Water Conservation Commission may cancel the amount remaining on the district's warrant and also whether or not the balance due on the warrant becomes an obligation of the new district in the event the Yellowstone Pumping Irrigation District is merged or united with another district.

With reference to your first question, it is our opinion that if the Yellowstone Pumping Irrigation District should unite with another district, that the new district cannot become liable for the obligation of the Yellowstone Pumping District. There is, however, no statutory authority under existing laws permitting the merger of two or more irrigation districts. But if such merger could be effected the irrigable lands in the Yellowstone Pumping Irrigation District would have to be assessed to pay the balance due on the warrant held by the Commission.

LESLIE R. BURGUM

Attorney General